

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LIFewise, INC.,

Plaintiff,

v.

ZACHARY PARRISH,

Defendant.

Case No.: 1:24-cv-00268-HAB-SLC

Chief Judge Holly A. Brady

Magistrate Judge Susan L. Collins

**DEFENDANT'S RESPONSE TO PLAINTIFF'S STATEMENT OF MATERIAL FACTS
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Material Fact 1: LifeWise is a privately funded, Christian non-profit that provides public school families with released time religious instruction in traditional, character-based, Biblical teaching during school hours. It provides the religious instruction only to families that want it. And it does so off school property. Cmplt. ¶2; *see* Parrish Mot. to Dismiss (“Def. Mot.”) at 1 (“LifeWise is a private organization that markets religious instruction for public school students.”).

Response to Material Fact 1: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant’s Opposition brief.

Material Fact 2: LifeWise calls its released time religious instruction program LifeWise Academy, and it is permitted to offer this program to public school students under released time religious instruction statutes in Indiana and across the country. Cmplt. ¶3. (These statutes are

constitutional under the U.S. Supreme Court's holding in *Zorach v. Clauson*, 343 U.S. 306 (1952).)

Response to Material Fact 2: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant's Opposition brief.

Material Fact 3: The LifeWise Academy curriculum ("Curriculum") is protected by copyright, and LifeWise is the exclusive owner of the Curriculum. LifeWise was previously known as Stand for Truth, Inc. The relevant copyrights were registered to Stand for Truth, Inc. as the author on July 8, 2021 prior to changing its corporate name to LifeWise, Inc. on September 7, 2022. Cmplt. ¶15; *see* Cmplt. Ex. A; *see generally* Def. Mot.

Response to Material Fact 3: Defendant does not dispute this fact.

Material Fact 4: Local LifeWise Academy chapter programs must pay a fee to access the LifeWise Curriculum. Cmplt. ¶28; *cf.* Def. Mot. at 8 ("Even if the Court accepts that LifeWise lost out on the licensing fees Mr. Parrish would otherwise have had to pay, that should not change the analysis.").

Response to Material Fact 4: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant's Opposition brief.

Material Fact 5: Defendant Mr. Zachary Parrish posed as a LifeWise volunteer to gain access to internal LifeWise documents, including its Curriculum. Comp. ¶7; *cf.* Def. Mot. at 1 ("[Parrish] acquired and shared the LifeWise elementary school curriculum on a critical website and a Facebook group, both called 'Parents Against Lifewise.'").

Response to Material Fact 5: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant's Opposition brief.

Material Fact 6: Parrish published internal LifeWise documents and the entire copyrighted Curriculum on his website: <https://parentsagainstlifewise.online/> ("Website"). Cmplt. ¶7; *see* Def. Mot. at 2 ("[Parrish] posted the entire curriculum").

Response to Material Fact 6: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant's Opposition brief.

Material Fact 7: It is "highly likely that some local programs will download free versions of the LifeWise Curriculum" from Parrish's Website. Cmplt. ¶50; *see* Def. Mot. at 9 ("Even taking this alleged harm at face value").

Response to Material Fact 7: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant's Opposition brief.

Material Fact 8: In response to LifeWise's cease-and-desist letter, Parrish responded with a meme stating: "it's called fair use bitch." Cmplt. ¶9; *cf.* Def. Mot. at 1 ("Mr. Parrish's admittedly salty characterizations aside").

Response to Material Fact 8: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant's Opposition brief.

Material Fact 9: LifeWise was forced to bring this lawsuit to remedy Parrish's intentional copyright infringement, which Parrish maintains is fair use. *See* Cmplt. ¶¶53–59; Def. Mot. at 1–2.

Response to Material Fact 9: Defendant objects that the material cited to support this fact cannot be presented in a form that would be admissible in evidence, as discussed at pages 1-5 of Defendant's Opposition brief.

Additional Material Facts

10. The “About” page of the Parents Against LifeWise website states: “[t]he more we discovered about Lifewise Academy; the more driven we became to educate and warn other parents, schools, and communities.” Stoltz Decl. ¶ 5 & Ex. D. The organization strives to protect “parents’ right to both provide AND limit what religion or religious teachings their children are exposed to.” Stoltz Decl. ¶ 5 & Ex. D.

11. The Parents Against LifeWise website home page states: “Welcome to Parent’s AGAINST Lifewise; we are a focused movement of concerned parents, families, community members and tax payers who respect the separation of church and state.” Stoltz Decl. ¶ 4 & Ex. C. It also states that “[o]ur mission is to protect our children and preserve our public education system by connecting parents and communities across the nation to accurate and transparent information.” Stoltz Decl. ¶ 4 & Ex. C. It criticizes LifeWise as “deceitful,” and promises to provide “links to information they refuse to release” and “show you what their curriculum REALLY is.” Stoltz Decl. ¶ 4 & Ex. C.

12. LifeWise is a Christian ministry that provides religious instruction to public school students via local chapter programs. Cmplt. ¶ 16. LifeWise currently provides religious

instruction to nearly 30,000 students from more than 300 schools in 12 states. Stoltz Decl. ¶ 3 & Ex. B.

13. LifeWise pursues legislation that would require public schools to accommodate LifeWise programming. Stoltz Decl. ¶ 3 & Ex. B.

14. LifeWise purports to be “a privately funded Christian non-profit that provides public school families with released time religious instruction in traditional, character-based, Biblical teaching during school hours.” Cmplt. ¶ 2. LifeWise further asserts that “[i]t only provides the religious instruction to families that want it. And it does so off school property.” Cmplt. ¶ 2.

15. LifeWise is contractually required to limit access to the curriculum to “exclusive use...within a classroom setting with student learners” in “LifeWise Academy chapter programs.” Cmplt. ¶¶ 26–27. LifeWise claims that its curriculum “is a derivative work” of a “copyrighted Sunday school curriculum,” the Gospel Project, owned by a third party, Lifeway. Cmplt. 17, 25. LifeWise and Lifeway purportedly entered into a “white label copyright licensing agreement” that allowed LifeWise to develop its curriculum based on the Gospel Project, subject to a variety of conditions. Cmplt. ¶¶ 17, 24–26. This licensing agreement allegedly prohibits LifeWise from distributing its curriculum “outside of the agreed terms of said agreement,” which only allow LifeWise to use the curriculum to teach students in LifeWise programs. Cmplt. ¶ 26.

16. LifeWise only added its “curriculum review form” to its website after the filing of this lawsuit. This is demonstrated by archived copies of the “Inside the LifeWise Curriculum” page on the LifeWise website, captured by the Internet Archive’s Wayback Machine after LifeWise initiated this lawsuit against Mr. Parrish. Stoltz Decl. ¶ 11 & Ex. J; Stoltz Decl. ¶ 12 & Ex. K. On July 8, 2024, six days after LifeWise filed its Complaint, the “Inside the LifeWise

Curriculum” page on the LifeWise website did not include a link to request review of the full curriculum. Stoltz Decl. ¶ 11 & Ex. J. On or before July 30, 2024, LifeWise added a “Request Full Curriculum Review” link. Stoltz Decl. ¶ 12 & Ex. K. The LifeWise “curriculum review form” requires parents to provide their name, address, email, and an explanation of why they want to review the curriculum. Stoltz Decl. ¶ 2 & Ex. A.

17. When Mr. Parrish accessed the Curriculum, LifeWise provided only a “27-page summary” of its curriculum to the public, including parents. Cmplt. ¶ 46.

18. According to LifeWise, Mr. Parrish’s “goal was to gather information and internal documents with the hope of publishing information online which might harm LifeWise’s reputation and galvanize parents to oppose local LifeWise Academy chapters in their communities.” Cmplt. ¶ 31.

19. The Parents Against LifeWise Facebook group has more than 2,500 members. Cmplt. ¶ 29.

20. The Parents Against LifeWise website has several specific pages detailing “Program Issues” with the LifeWise curriculum, which detail Mr. Parrish’s criticisms of specific LifeWise material. Stoltz Decl. ¶ 6 & Ex. E; Stoltz Decl. ¶ 7 & Ex. F; Stoltz Decl. ¶ 8 & Ex. G; Stoltz Decl. ¶ 9 & Ex. H; Stoltz Decl. ¶ 10 & Ex. I.

21. These pages express numerous concerns about the contents of the curriculum, including that it is not “non-denominational, character-based bible education” as LifeWise claims, Stoltz. Decl. ¶ 5 & Ex. D, but is instead “based solely on Evangelical beliefs and doctrine” sourced from a particular denomination (the Southern Baptist Convention). Stoltz Decl. ¶ 6 & Ex. E. Parents Against LifeWise and Mr. Parrish expressly seek to “show” others “what their curriculum REALLY is and the beliefs it’s based on.” Stoltz Decl. ¶ 4 & Ex. C.

22. Multiple pages also detail concerns about LifeWise programming being designed to convert “unchurched students in public schools” by “encouraging students to spread the gospel,” which, in Mr. Parrish’s view, “inevitably increases bullying” and violates the separation of church and state. Stoltz Decl. ¶ 6 & Ex. E (“Our vision to reach unchurched students in public schools...”); Stoltz Decl. ¶ 7 & Ex. F (“One of Lifewise Academy’s main tenants is encouraging students to spread the gospel and recruit their friends, with no regard for the consequences....They do not seem to care that this inevitably increases bullying...”); Stoltz Decl. ¶ 8 & Ex. G (“It needs to be clearly stated that all liability for separation violations will fall to the school districts themselves.”).

23. The Parents Against LifeWise website has a page titled “Problematic Policies,” which criticizes certain LifeWise policies and includes portions of LifeWise documents reflecting those policies. One of those documents, titled “Difficult Questions From Students,” states, among other things, that “[w]hen faced with a choice to obey God or our parents, we should always obey God first.” Stoltz Decl. ¶ 9 & Ex. H.

24. The Parents Against LifeWise website also has a page titled “Discrimination & Ostracizing,” which criticizes certain LifeWise teachings that Parents Against LifeWise and Mr. Parrish view as “hateful” and “especially harmful,” such those about sexual orientation, gender identity, and sexual purity. Stoltz Decl. ¶ 10 & Ex. I; Stoltz Decl. ¶ 5. This page contains screenshots of LifeWise documents, which characterize divorce as “sin” from which a student’s divorced parents should “repent and confess,” and says that “God created sexual intimacy to be experienced only within a marriage relationship between a man and a woman,” adding that “anything different from this kind of romantic relationship between a husband and a wife is sin.” Stoltz Decl. ¶ 10 & Ex. I.

25. Other pages of the Parents Against LifeWise website echo these concerns about discriminatory teachings. *See, e.g.*, Stoltz Decl. ¶ 5 & Ex. D (“purity culture, anti-LGBTQIA+, transphobic, and discriminatory doctrine is followed in accordance to their rigid beliefs”); Stoltz Decl. ¶ 4 & Ex. C (“Lifewise Academy is spreading...homophobic beliefs, transphobia, and hateful rhetoric to the youngest of our children.”

Dated: October 15, 2024

Respectfully submitted,

s/ Mitchell L. Stoltz

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th of October 2024, I caused the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system, which shall provide notification by email of such filing to all counsel of record.

s/ Mitchell L. Stoltz
Mitchell L. Stoltz